

## REMARKS

The Applicants appreciate the continued thoroughness of the examination. By this amendment certain claims have been amended as set forth above to overcome the Examiner's rejections and objections and more concisely claim and describe the present invention. Claims 1, 2, 4-8, 10-12, 14-18, 20 and 22-25 remain in the application for reconsideration by the Examiner. The Examiner's allowance of all pending claims is earnestly solicited.

### MATTERS RELATED TO THE SPECIFICATION

In the amendment mailed on August 26, 2005, the Applicants relocated certain text paragraphs to the detailed description section of the application as recommended by the Examiner. The Applicants herein amend the specification to relocate one additional paragraph for consistency with the previous specification amendment. No new matter has been added by this specification amendment.

### MATTERS RELATED TO THE CLAIMS

#### NON-ART REJECTIONS

The Examiner has objected to claims 18 and 23 due to certain informalities as set forth in the Office Action. Both claims have been amended, as suggested by the Examiner, to overcome these objections.

Claims 1-17 stand rejected under Section 112, second paragraph, due to the lack of an antecedent basis for "the joining link" in claim 1. Amendments to claim 1 as set forth above overcome this rejection.

Claims 1-25 have been rejected under Section 112, second paragraph, as incomplete for omitting essential steps amounting to a gap between essential steps. The Applicants have carefully considered this rejection and suggest that the multiple amendments in claims 1, 18 and 23 should be sufficient to overcome these rejections.

Claims 1-17 have been rejected under Section 101, alleging that the claimed invention is directed to non-statutory subject matter. In particular, the Examiner suggests that the claim is "directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S. C 101."

As amended, the Applicants submit that the invention as set forth in claims 1-17 is directed to statutory subject matter, that is, classifying a data packet by determining whether a search object comprising information within the data packet matches a search node in a knowledge base. Independent claim 1 includes structural elements in the form of a search object and a knowledge base further comprising search nodes and joining links. The claim further refers to structural elements of a first and a second memory. The references to these structural elements and the interaction between them to traverse a search path are deemed sufficient under *In re Iwabashi* (888 F. 2d 1370, 12 UPSQ2d 1908 (Fed. Cir. 1989)) to render the claim statutory. The tangible result of claim 1 is classification of a data packet based on the information that it contains.

Since it has been suggested that claim 1 is statutory, claims 2, 4-8, 10-12, 14-17 remaining in the application and dependent therefrom are also believed to be statutory.

The Applicant's also note that the "technological arts" test as a separate test of the patentable subject matter requirement has been repudiated in a Board decision, *Ex Parte Lundgren*, BPAI, No. 2003-2008, 9/28/05.

#### REJECTIONS UNDER SECTION 103

Examiner Davis has rejected claims 1, 18 and 23 under Section 103(a) as unpatentable because it is inherent that the first (local) memory is faster than the second (remote) memory.

To further distinguish the invention over the cited art, the Applicants have amended each of claims 1, 18 and 23 as set forth above.

The Applicants note that none of the independent claims 1, 18 and 23 includes a further limitation to the first memory and the second memory. That is, these claims do not indicate that either the first or the second memory is a local memory or a remote memory. The Examiner cannot read this limitation into the claim. The Applicants merely claim that first and the second memories with first and second access times store portions of the decision tree, and further that the memory access time of the first memory is less than the memory access time of the second memory. No where in these claims is the first or the second memory referred to as a remote memory or a local memory.

Further, the Examiner's contention that the local memory is inherently faster than the remote memory elevates a general notion of computer technology to an indisputable inherent

evidentiary fact. "Inherent" is defined as involving the essential character or constitution of something. It is not an inherent property of a local memory or a remote memory that the former is faster than the latter.

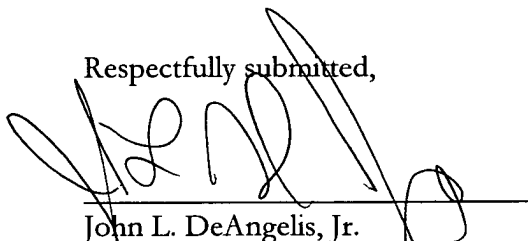
Each of the rejected dependent claims 2, 4-8, 10-12, 14-17 (all depending from amended independent claim 1), dependent claims 20 and 22 (both depending from amended independent claim 18) and dependent claims 24 and 25 (both depending from amended independent claim 23) further distinguish the invention over the art of record and therefore should be allowable. Certain of these dependent claims have been amended, as set forth above, to comport with the amendments to the claim from which they depend.

Claims 3, 9, 13, 19 and 21 have been cancelled without prejudice. The Applicants reserve the right to prosecute these or similar claims in a continuing application. Cancellation of these claims is not to be construed as an admission as to the validity of the rejection or the applicability of the cited art.

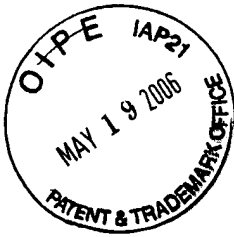
The Applicants have attempted to comply with all of the points raised in the Office Action and it has been shown that all of the pending are now in condition for allowance. In view of the foregoing amendments and discussion, it is requested that all of the rejections be withdrawn and that the application be passed to issuance.

If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein, Examiner Davis is invited to contact the undersigned at the telephone number below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Amendment is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of May 2006.

Pamela A. Pagel